

## APPEAL NO. 010357

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on January 19, 2001. The hearing officer determined that the respondent (claimant) sustained a compensable injury in the form of a sprained left wrist and broken left hip on \_\_\_\_\_ (all dates are 2000 unless otherwise noted), and that the claimant had disability from August 17 and continuing to the CCH.

The appellant (carrier) appealed, contending that the claimant sustained an idiopathic fall and that the positional risk test in Employers Casualty Company v. Bratcher, 823 S.W.2d 719 (Tex. App.-El Paso 1992, writ denied) relieves it of liability. The claimant responds, urging affirmance.

### DECISION

Affirmed.

The claimant, a billing clerk, was involved in a serious nonwork-related motor vehicle accident (MVA) in January. The claimant was able to return to work but had to use crutches because of injuries sustained in the MVA. The claimant testified that while in the course and scope of her employment on \_\_\_\_\_, she was coming out of the supply room on her crutches when her left crutch hit a portion of a copy machine causing her to lose her balance, hit her head on a filing cabinet, and fall to the floor, sustaining the left wrist and hip injury. The carrier contends that the claimant became dizzy before her fall and that the fall was an idiopathic fall, relieving it of liability. The carrier argues that it was impossible ("doesn't make sense") for the claimant to fall as she testified.

The claim is compensable regardless of whether the claimant became dizzy before her fall or whether the claimant's crutch hit the copier and caused the fall, as explained by the hearing officer.

In that the carrier's appeal on the disability issue is premised solely on lack of a compensable injury and having affirmed a compensable injury, we also affirm the hearing officer's decision on disability.

Accordingly, the hearing officer's decision and order are affirmed.

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge